

## Indiana Department of Environmental Management

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*(Text does not include verbatim comments)*

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Thank you Paul. It is a pleasure for me to join you this evening. I speak to a lot of different groups, but here I feel in some ways like I have come home again. As Paul mentioned, a few years ago, while at DNR, I staffed the Hendricks County annual meeting with Jim Ray. I was truly honored when I was asked to come again, but this time as the speaker rather than the technical advisor. And I was also honored because I know the caliber of speakers often attracted for Annual Meetings, and I hope I do not disappoint... I also want to share how pleased I have been that despite my move away from DNR, I have been able to continue my work with Indiana's agricultural community. It was through working with the Conservation Partnership that I was able to gain a true appreciation of approaching environmental and natural resource issues by partnering with all interested parties and players.

I also was honored to be asked to speak tonight because of the great respect I have for the work of SWCDs across Indiana. Indiana's soil and water conservation districts, along with the people who support them, share the same basic mission as the Indiana Department of Environmental Management. We may phrase our common goal differently but we strive together toward the same goal – a clean, healthy, safe Indiana. A beautiful Indiana.

At IDEM, our mission is to make Indiana a cleaner and healthier place to live and work. The Hendricks County district's mission is to increase awareness of our natural resources today to help protect and preserve them for the future. The similarity in mission is striking.

Our environment – the air, land and water – face many challenges. I have great faith that our generation will successfully meet many of these challenges. However, for those challenges we can not meet in our generation, we can lay the groundwork to help the next generation finish the job. It is these foundations that I want to speak to you about this evening, especially clean water, life's essential ingredient.

We have made tremendous progress since the day in 1969 when the Cuyahoga River in Cleveland caught fire. Thanks to the resulting passage of the Clean Water Act, we have water that is cleaner and safer than at any time since the Industrial Revolution. And although we have new leadership at the national level, I have no doubt that protecting the quality of our environment and our water quality will remain a top priority.

And, if you were to ask to me in *one* word what I think the biggest issue for IDEM will be in the coming years, I'd say, without hesitation, **water**.

Fundamental to the task of improved water quality is the philosophy that before you can clean up the water, you must know what pollutants are in it and where they come from. In that regard, I want to take a few minutes to tell you about **IDEM's Total Maximum Daily Load** or TMDL program. In particular, what various entities, such as the Hendricks County Soil and Water Conservation District, and communities, like the agricultural community, can do to further improve Indiana's water quality.

For those of you not yet familiar with TMDLs, I will try to explain. I would like to use an analogy to explain the concept of TMDL. Think about a common resource that any number of people must share, like a personal computer in a family that has bought 20 hours of Internet time per month. Imagine that they are absolutely limited to the 20 hours per month, and cannot just pay more for extra use, as I do when I go over my AOL limit. First, the family must determine each family member's computing needs and, then, give everyone enough time on the computer to satisfy that need. Obviously, the family must work together, talk among each to understand each other's need and make trade-offs, all to stay within the 20-hour budget.

TMDLs are very much the same. The common resource is water, the family is the watershed and residents living in the watershed are the family members who must know and understand each other's needs to make their TMDL work.

TMDLs are the next step in improving Indiana's, as well as America's, water quality. The Cuyahoga River fire forced us, as a society, to face and address point source problems like wastewater treatment discharges. The problem was huge and a lot of people wrung their hands about how to solve it without bankrupting America. But we met this challenge and while we have not entirely solved it, we have made amazing progress and progress breeds, well, more progress. We **will** meet the challenge of TMDLs but to accomplish this next step, we must look beyond artificial geopolitical boundaries like cities, towns and counties and look at water pollution in the bigger picture, from the perspective of the watershed, as you folks know so well.

The Clean Water Act requires that TMDLs be developed for all waters identified as being impaired. A TMDL model generates a daily load of pollutants that a water body – such as the White River – can assimilate and still achieve Indiana's water quality standards. By the way, Hendricks County is divided roughly in half between two watersheds. The eastern portion of the county drains to the Upper White River Watershed and the western portion drains to the Big Walnut-Eel River Watershed. TMDL models are important because they will determine and allocate the appropriate share of pollutant load coming from both point and nonpoint sources.

Then, once the allocation between point and nonpoint sources is known, each point source **permit** holder will be given a Waste Load Allocation – that it may discharge daily into the watershed. Best management practices will be used to reduce nonpoint sources of water pollution.

I realize that while most folks involved in their SWCD know what "nonpoint source pollution" is, I would like to take a second to explain for those who might not be familiar with the phrase. Nonpoint source pollution is important as it speaks directly to what the Hendricks County

SWCD and the farmers, developers and everyone gathered in this room tonight can do, must do, to meet the TMDL challenge.

Nonpoint sources of pollution come from many different sources - septic tanks; and run-off from parking lots, highways, roads, residential lawns, farm fields and construction sites. The TMDL program specifically addresses nonpoint source pollution. The White Lick Creek Clean Water Project, which has been a wonderful project of the Hendricks County SWCD, is a great example of how a community can address nonpoint pollution concerns; through erosion/ sediment control efforts, education and on-site assistance. It is also a good example of how IDEM can assist local communities in their efforts to address nonpoint source pollution:

the White Lick Creek Water Project was funded by a 319 grant from IDEM's Nonpoint Source Water Management Grant Program for \$61,000.

There are basically four steps in putting together a TMDL for any given impaired waterbody: 1) Planning, 2) Sampling/Data Collection, 3) Modeling, and 4) Implementation. Throughout the process, and at every step along the way, ID of stakeholders, public participation, and outreach activities will be imperative to the successful implementation of each TMDL.

IDEM has completed the TMDL model for Kokomo Creek in Howard and Tipton Counties, and submitted it to EPA last month for approval. EPA reviews TMDL models to determine if loadings are at appropriate levels for designated uses and then determines if the proportion between point and nonpoint is appropriate. The restoration plan must also be approved by EPA. IDEM is also working on several other TMDLs around Indiana, including the Grand Calumet River in Lake County, which we hope to submit to the EPA this summer, and Fall Creek in Marion County, which is just about ready for submittal to the EPA.

Some of the remedial actions recommended in the Kokomo Creek TMDL include forming a regional sewer district to address pollutants from septic tanks, working with the Indiana Department of Natural Resources to provide landowners and farmers technical information and financial assistance to reduce nutrient and agricultural run-off from lawns and fields.

An essential step in the process of setting up a TMDL prototype is **public input**. Each one of us in this room tonight has an obligation if we are to achieve the next step in cleaning up Indiana's water and **that's participation**. Please, don't sit on the sidelines; get involved and let us know your thoughts about how best to clean up the Upper White River and Big Walnut-Eel River watersheds. I would also like to point out that IDEM has also awarded a 319 grant for a Core4 demonstration project in the Big Walnut- Eel River for \$447,000.

I don't think I need to estimate the value of clean water to you. Agriculture is impossible without it, it powers our industries, and provides recreation at the end of a long day. As said previously, It's the essential ingredient to life itself.

I've talked about the necessity of making sure our surface water is clean, but we must also be mindful of the quality of our groundwater. Nearly 60% of all Hoosiers rely on groundwater as their source for drinking water. The importance of groundwater cannot be overestimated and I am pleased to note that, at least in regard to this aspect of our environment, the generations before us laid a solid foundation for our generation to build upon. Indiana has assigned a high

priority to protecting public water supplies as long ago as the 1930s. So, in one respect, **IDEM's Wellhead Protection Program** is not a new program.

It is a progressive approach to protecting our public water supplies from contamination that considers not only the well's location but also the area above and below ground that feeds into our wells. Just like the TMDL, IDEM recognizes that a truly effective Wellhead Protection Program will not evolve quickly; therefore, the program is divided into two phases.

The first phase involves the basic management systems elements of community planning, delineation of the well protection area, a source inventory, and a contingency plan for contamination events. In the second phase, public water systems must document how they implemented or plan to implement the proposed management systems. Here is yet another opportunity for you to become involved in a very important issue that will have a long lasting, significant impact on the community in which you live, work and play. One of the key elements called for in Phase I is a local planning committee, which guides a community through the basic elements that I just outlined.

IDEM also understands that not all public water systems are created equal and that larger systems have more technical and financial resources at their disposal with which to implement a Wellhead Protection Program. So IDEM divided Indiana's 4,200 public water systems into three classifications: Large (more than 50,000 customers), medium (3,300 to 50,000 customers), and small (less than 3,300 customers). Large systems were to have completed their Phase I within 3 years, or by 3/00. Medium systems have 4 years, until March 2001, and small systems have 5 years, until March 2002, in which to submit their Phase I documents. Likewise, IDEM is staggering the submittal dates for Phase II documents, with each public water system classification having 5, 7 and 10 years, respectively, from approval of their Phase I submissions.

Hendricks County has 12 community public water supply systems that use wells as their source of water; however, there are no large public water systems in the county. There are 3 medium size systems, Danville, Brownsburg and Plainfield. And there are 9 small systems, including North Salem and Liberty, as well as 9 mobile home parks.

Danville submitted its Phase 1 documents ahead of schedule and North Salem and the Oakhurst Mobile Home Park have begun their Phase I planning processes. As for the rest, my agency will send out reminder notices this year and next.

I want to wrap up this evening by devoting a few minutes to the topic of **Confined Feeding Operations**. As I drove into Hendricks County from the east, I drove past a growing suburban community and I know if I continued to travel through the county I would drive through a rural, agricultural area where 27 IDEM regulated confined feeding operations are located. And like industries, CFOs have environmental issues that must be addressed.

While Indiana has had laws on the books regarding confined feeding operations since 1971, the current rulemaking dates back to 1996, beginning with an IDEM Confined Feeding Task Force. This task force made recommendations to the agency on environmental issues regarding CFOs,

some of which required legislative action. In its 1997 session, the Indiana General Assembly revised the 26-year-old Confined Feeding Control Law. This legislation:

- Established an agricultural liaison position within IDEM
- Established the Technical Compliance Program
- Set application fees (\$100)
- Required notice to adjacent landowners
- Revised the AW-1 Guidance Document Required an Affidavit of Construction upon completion of a facility
- Required a manure management plan

Because of this legislation, IDEM formed a working group to draft a rule for Confined Feeding Operations throughout Indiana. The working group was comprised of people from production agriculture, academia, environmentalists, and government agencies. The stated goals for this rulemaking are: 1) Environmental Protection – Water Quality, 2) Based on Performance Standards, 3) Flexibility, and 4) Defensible Design, construction and Operational Requirements. When I first came in...put rule on hold...

The Indiana Water Pollution Control Board preliminarily adopted the working group's effort this past September and the guidance document that will accompany the rule is being written as we meet. The rule is expected to go to the Water Pollution Control Board this spring for final adoption.

The types of activities covered by the rule include design of buildings that house animals as well as manure storage facilities. Likewise, reporting and notice requirements are included. Differentiations are made between existing, and new or expanding facilities. I know that some folks in the room tonight might like more detail than that which I just provided, but I must admit that I have not committed the rule to memory. I would be happy to make arrangements for staff to come to Hendricks County to discuss the rule in greater detail if there is an interest. In fact, Kristin was to be here, but at Shelby County SWCD. However, the bottom line is that Indiana operators will now know with certainty what they must do to protect the environment, as well as do business in Indiana. The intent of this law is to satisfy the U.S. EPA's requirement to monitor and enforce the CWA as it applies to federally defined CAFOs, which hold more than 1,000 animals units. There are four such federal CAFOs in Hendricks County.

This rule will impact producers. But because IDEM brought a lot of folks to the rulemaking table, the rule reflects a lot of common sense. It allows producers to do business in Indiana in a manner that protects our state's environment.

IDEM understands that this rule has a fiscal impact. That's one reason why IDEM invested \$2 million in a grant program, to help offset the cost of these new rules for Hoosier producers. I announced this program, along with Joe Pearson, Harry Nikides and Jane Hardesty, last October on Mark Legan's hog farm in northern Putnam County, just about 20 miles from here. And I was pleased to learn that the Hendricks County SWCD posted the news release that accompanied the announcement on its Web site. Thank you! This grant program offers financial assistance to livestock and poultry producers who implement nutrient management and erosion control

practices. The grant program is another excellent example of the conservation partnership at work – it was designed with the assistance of DNR's Division of Soil Conservation, Office of Commissioner of Agriculture, NRCS, and IASWCD. And while IDEM has funded the program, it is being implemented by local SWCDs and DNR.

And speaking of practices, I try to make it a practice not to exceed the time given to me to speak. It was a true pleasure for me to join you this evening, especially because we share the same commitment to protecting the environment. If I can give you one take home message: get involved or stay involved. Also – 3 handouts – Access IDEM, Wellhead Protection and CAFO program.

Finally, just when you are asking yourself "is she ever going to stop"...let me close with a quote from Bruce Babbitt, former Secretary of the Interior for President Clinton.

He said, "It's time to acknowledge that natural values of river systems can no longer be treated as table scraps left over after every conceivable consumptive appetite has been fully satisfied. A river is a living resource entitled to at least parity with other consumptive uses. "

Good Evening and Thank You.